

COUNTY OF KAUAI
Minutes of Meeting
OPEN SESSION

Board/Commission:	Kaua‘i Fire Commission	Meeting Date	April 2, 2018
Location	Mo`ikeha Building – Meeting Room 2A/B	Start of Meeting: 2:00 p.m.	End of Meeting: 3:17 p.m.
Present	Chair Thomas Nizo; Vice Chair Chad Pacheco; Members: Alfredo Garces Jr., Linda Kaauwai-Iwamoto, Clifton Miranda, Michael Martinez (arrived at 2:08 p.m.) and Alfred Levinthol (arrived at 2:06 p.m.). Also present: Boards & Commissions Office Staff: Support Clerk Mercedes Omo, Deputy Finance Director Paula Morikami (Filling in for Administrator Nicholas R. Courson; Office of the County Attorney: Deputy County Attorney Teresa Tumbaga; Fire Department: Fire Chief Robert Westerman, Deputy Fire Chief Kilipaki Vaughan and Chief’s Secretary Debby Gatioan. Invited Guest: Director of Human Resources Janine Rapozo.		
SUBJECT	DISCUSSION		ACTION
Call To Order			At 2:00 p.m. Chair Nizo called the meeting to order with five members present to conduct business.
Approval of Minutes	Regular Open Session Minutes of March 5, 2018.		Ms. Kaauwai-Iwamoto moved to approve the meeting minutes as circulated. Mr. Miranda seconded the motion. The motion carried 5:0. Chair Nizo noted that he would take item KFC 2018-05 before the Chief’s Monthly Reports
Business KFC 2018-05	<u>Communication dated March 12, 2018 from Chair Thomas Nizo to Human Resource Director Janine Rapozo regarding a request for her presence to address questions on what the term administrative capacity means as stated in Article XII, Section 12.02 Fire Chief of the Kaua‘i County Charter.</u> Ms. Rapozo stated that relative to the Commission’s request to address what the term “administrative capacity” means, she decided to put her response in the form of a memo so that the Commissioners would have something tangible to use as a reference. (Copies of the		

SUBJECT	DISCUSSION	ACTION
	<p>memo were distributed to all of the Commissioners)</p> <p>After taking some time to read the memo, Chair Nizo asked the Commissioners if they had any questions for Ms. Rapozo.</p> <p>Mr. Miranda stated that in comparing the memo to the Fire Chief's new job description, the memo provides a very vague definition of what the term "administrative capacity" means. Chair Nizo stated that after he read the memo, there is no firm definition so it's really up to a person's own interpretation.</p> <p>Ms. Rapozo agreed and explained that because the memo is not a black and white determination, they would have to review the person's job description, but if the person is coming from outside of the County, they would have to explain how they would meet the minimum qualification requirements; similar to any other position that has any of the requirements whether its administrative professional capacity or whether its three years doing plumbing work, they would have to be the ones to show HR how they would meet the requirements.</p> <p>Chair Nizo asked Ms. Tumbaga if it was okay for the Commission to invite Ms. Rapozo into the Executive Session portion of the meeting so she could provide clarity as to what Option No. 1 actually entails because there seems to be some confusion.</p> <p>Ms. Tumbaga stated that if the Commission needs her as a resource, then it's okay for the Commissioners to invite Ms. Rapozo into the Executive Session portion of the meeting. However, Ms. Rapozo must leave the meeting room once the discussion is completed. Ms. Rapozo noted that she is available; all the Commission needs to do is call her at her office and she'll come back. Chair Nizo thanked Ms. Rapozo for her assistance and for being available to attend the April 30 meeting.</p>	

SUBJECT	DISCUSSION	ACTION
	<p>With no further discussion, Chair Nizo called for a motion to receive the memo dated April 2, 2018 from HR Director Janine Rapozo.</p>	<p>Mr. Miranda moved to receive the memo dated April 2, 2018 for the record. Vice Chair Pacheco seconded the motion. The motion carried 7:0.</p>
<p>Chief’s Monthly Reports for February</p>	<ol style="list-style-type: none"> 1. Fire Commission Reports 2. Fiscal Year 2017-2018 Reports 3. Daily Flight Hours and Alarm Data 4. Letter of Appreciation 5. Chief Announcements and Pertinent Updates <p>Fire Chief Westerman gave a brief overview of his monthly reports, highlighting his briefing on the pilot whale mass stranding results and findings, captains/firefighters boot camp program implemented by Deputy Chief Kilipaki Vaughan, and his attendance to the State Fire Council quarterly meeting in February.</p> <p><u>Operations Bureau</u> The call load has gone up in the month of February and they are looking at another 7% increase, bringing it to a 27% overall increase since 2005. As of February 2018, there was an increase totaling 364 medical calls, the largest since 2005.</p> <p><u>Equipment & Apparatus Status</u> All of the equipment have gone under maintenance repair and are deemed ready to operate with the exception of Engine No. 5, which is currently out of service for additional maintenance work.</p> <p><u>February Training Bureau</u> On March 1, 2018, the 14-member recruit class will be starting their training.</p>	<p>Mr. Miranda moved to receive the Chief’s February Monthly Reports. Mr. Garces seconded the motion. The motion carried 7:0.</p>

SUBJECT	DISCUSSION	ACTION
	<p><u>Fire Prevention Bureau</u></p> <p>In Fiscal Year 2017-2018, to date there have been 15 fire investigations with 4 of those fire investigations conducted in the month of February. Additional dwelling unit permit applications showed a significant increase. Business Occupancy Inspections have also gone up due to change of business and new businesses that are on the rise.</p> <p>With regard to the increased number of calls to the Fire Prevention Bureau, Chair Nizo asked, as part of the General Plan, if the Fire Department has a long-term plan to meet future needs estimated usually by extrapolation of present or known needs in areas like 'Ele'ele where housing seems to be on the rise.</p> <p>Fire Chief Westerman stated that the Department has been in close contact with the Planning Department to talk about what they perceive the needs are for the future. However, the General Plan is not specific enough to the point where they can positively identify an area where the fire stations would actually be built. The General Plan is to guide growth for areas where houses can be built for both the present and long-term. In the future, as the rise in the housing market begins to flourish, the Fire Department will have to step up and say with all of these new houses, there must be a fire station in the vicinity to service all of these houses. But when it comes to the permitting process, the Fire Department will have an opportunity to provide input.</p> <p>Mr. Garces asked if the Department is taking precautionary measures to reduce the amount of workmen's compensation claims to which Fire Chief Westerman replied that most of the Department's workmen's comp claims relate to on-the-job injuries, particularly the Ocean Safety Bureau because they have less safety measures built into some of their tasks than the firemen do. He shared that when an employee reports an injury to their supervisor, the employee and the supervisor must complete a County of Kaua'i Accident/Injury Report claim that addresses all important aspects of the injury and submit it to the Department of Human Resources within 48 hours of the injury where they would review the report and based on the responses, work with the Department to come up with a plan on how to prevent</p>	

SUBJECT	DISCUSSION	ACTION
	<p>those types of injuries from reoccurring.</p> <p><u>Ocean Safety Bureau</u> The Department held 12 hours of instructor meetings for the Junior Lifeguard 2018 season. More beaches will be added which will equal to more weeks and about 150 youth will be participating in the program. There was no report of drownings in the month of February.</p> <p><u>Fiscal Report</u> As of February 28, 2018, the Department has expended 66.67% (\$19,740,014.31) of its original budget of \$31,629,948.00. It is estimated that the Department will have \$400,000 to \$500,000 remaining in the budget which will go back into the County's general fund.</p> <p>Mr. Martinez asked why the Department has to give back such a significant amount of money to which Fire Chief Westerman replied that roughly 91% of the Department's budget goes to pay for salaries and all that it encumbers. For example, holiday pay, the Department can only estimate what the amount is going be because there are four different options an employee can take, and usually the Department would budget for the most expensive option because if everyone selected that option, they would have to have the money to pay for it, and the same goes for overtime pay. In all cases, the Department will always try to base its budget on estimations and include all incurred costs.</p> <p>Mr. Martinez stated that he only brought it up because that's a lot of money that could be used for other things, like purchasing new helicopter blades for Air 1, but more so, he's concerned that Council might reduce their budget based on those huge returns.</p> <p>Chair Nizo asked if the 91% is earmarked only for salaries.</p> <p>Fire Chief Westerman stated that the monies earmarked for salaries can only be used for that purpose. Historically, the Department would always estimate on the high side because they know they will incur costs that they don't have a budget for. For example, when it comes to</p>	

SUBJECT	DISCUSSION	ACTION
	<p>workmen's compensation claims and vacation payouts, they would normally estimate on the high side; in fact, just last year the Department paid a total of \$525,000, so having excess funds is a good thing even though it means having to return a significant portion of the funds.</p> <p>To address Mr. Martinez's question about using the leftover monies for other things, like purchasing new helicopter blades, Fire Chief Westerman stated that they have it on their radar to purchase the new blades and the money will be coming from the savings from the Department's lease program.</p> <p><u>Daily Flight Hours and Alarm Data</u> There was a total of 12.4 hours of which 9.8 went to alarm hours search and rescue, 1.7 administrative hours, and 0.9 rescue training hours.</p> <p><u>Letter of Appreciation</u> There was one letter of appreciation received. The writer wrote to commend Deputy Fire Chief Kilipaki Vaughan and Battalion Chief Solomon Kanoho for their excellent work and positive influence during the Officer II Class in Texas.</p>	
Announcements	Chair Nizo announced that the next regular Fire Commission meeting is scheduled for Monday, May 7, 2018, at 2:00 p.m. at the Mo'ikeha Building, Meeting Room 2A/2B.	
Executive Items ES KFC 2018-002	Pursuant to Hawai'i Revised Statutes §92-4 and §92-5 (a) and (2) and (4), the purpose of this Executive Session is for the Commission to consult with its attorney as it relates to the hiring process of selecting a new Fire Chief, and to consult with its attorney on questions and issues pertaining to the Commission's powers, duties, privileges, immunities and liabilities as they may relate to this agenda item. (On-going)	At 2:35 p.m. Vice Chair Pacheco began to cite the Hawai'i Revised Statutes to bring the meeting into Executive Session.
ES KFC 2018-004	Pursuant to Hawai'i Revised Statutes §92-4, §92-5 (a) (4), §92-9 (a) (1-4) and (b), the purpose of this Executive Session is for the Commission to approve the Executive Session meeting minutes of March 5, 2018, and to consult with its attorney on issues pertaining to the Commission's powers, duties, privileges, immunities, and or liabilities as they may relate to this agenda item.	

SUBJECT	DISCUSSION	ACTION
ES KFC 2018-005	Pursuant to Hawai'i Revised Statutes §92-4 and §92-5 (a) and (2) and (4), the purpose of this Executive Session is for the Commission to consult with its attorney as it relates to a communication dated February 16, 2018 from an anonymous concerned citizen regarding personnel issues in the Kaua'i Fire Department.	<p>Chair Nizo called for a motion to enter into Executive Session.</p> <p>Vice Chair Pacheco moved to enter into Executive Session. Mr. Miranda seconded the motion. The motion carried 7:0.</p> <p>At 2:37 p.m. the Commissioners entered into Executive Session.</p>
Return to Open Session to ratify the actions taken in Executive Session	At 3:17 p.m. the Commissioners reconvened in Open Session. Chair Nizo called for a motion to ratify the actions taken in Executive Session.	<p>Vice Chair Pacheco moved to ratify the actions taken in Executive Session for the following items. Mr. Martinez seconded the motion. The motion carried 7:0.</p> <p>ES KFC 2018-002: The Commissioners received verbal information from HR Director Janine Rapozo.</p> <p>ES KFC 2018-004: Motion carried 7:0 to approve the Executive Session Meeting Minutes of March 5, 2018.</p>

SUBJECT	DISCUSSION	ACTION
		ES KFC 2018-005: The Commissioners unanimously agreed to deem the matter moot and no further action will be taken.
Adjournment	With no further business to conduct, Chair Nizo called for a motion to adjourn the meeting.	Mr. Miranda moved to adjourn the meeting. Vice Chair Pacheco seconded the motion. The motion carried 7:0. At 3:17 p.m. the meeting adjourned.

Submitted by: _____
Mercedes Omo, Staff Support Clerk

Reviewed and Approved by: _____
Thomas Nizo, Chair

☒ Approved as circulated on May 7, 2018

☐ Approved as amended. See minutes of _____ meeting.